

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

J. Todd Kincannon,)	C/A No.: 3:14-2832-MGL-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
The South Carolina Commission of)	
Lawyer Conduct; the South Carolina)	
Office of Disciplinary Counsel; Lesley)	
Coggiola; Barbara Seymour; and all)	
John Does involved in this matter,)	
)	
Defendants.)	
)	

This matter comes before the court on Plaintiff's failure to effect service of the summons and complaint on the defendants. A review of the docket in this case reveals no evidence that plaintiff has effected service on defendants. The summons was issued on August 18, 2014, and it expired on December 19, 2014. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

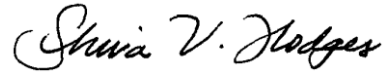
If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Fed. R. Civ. P. 4(m).

On December 29, 2014, the undersigned issued an order notifying Plaintiff that if he failed to show cause by January 9, 2015, for his failure to effect service of the summons and complaint on the defendants, this action would be recommended for dismissal without prejudice. Notwithstanding the order, plaintiff has failed to show cause

or file proof of service to the court pursuant to Fed. R. Civ. P. 4(l). As such, it appears to the court that he wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed without prejudice for failure to comply with Fed. R. Civ. P. 4 and for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

January 13, 2015
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).